

PROPOSED ZONING AMENDMENTS FOR THE 2007 TOWN MEETING AND WARRANT

Note: Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

AMENDMENT NO. 1

Amend the Zoning Ordinance, 1) **ARTICLE I – GENERAL, Section 1.6 Definitions** to revise the definition of hotel and 2) **ARTICLE VI PARKING, Section 6.3.2** by adding the following underlined wording:

1) Section 1.6 Definitions

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and which may provide additional services such as a restaurant, meeting rooms, and recreational facilities for its guests. (Adopted 1991) The following standards are established for the development of hotels:

- a) Use of hotel rooms as permanent residences is prohibited.
- b) Hotel rooms equipped with a refrigerator up to five cubic feet in size, a coffee maker and a second sink are exempt from an impact fee assessment. All hotel rooms with a kitchen will be assessed the multi family impact fee.
- c) Each hotel shall have an office for the purpose of operations, including but not limited to maintenance, unit rental and general management. This required office must be located in Hampton. Each hotel must have a 24 hour emergency number.

Condominium Hotel: A building constructed, maintained and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available for rent and where the structure, common areas and facilities are owned by all the owners on a proportional, individual basis.

Cooperative ownership: A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Time Share Ownership: Concept of property ownership through which a purchaser receives a) the right in perpetuity, for life or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of the real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided, or b) a property interest in which a license or contractual or membership right of occupancy is not coupled with any title in fee in the real property.

2) **ARTICLE VI PARKING, Section 6.3.2** Sleeping rooms in hotels, motels and rooming houses: One space per sleeping room plus one guest space per sixteen units. Each hotel shall provide one parking space for the first 330 square feet of room space. One additional space shall be provided for hotel rooms greater than 330 square feet. One additional parking space must be provided by hotels for each sixteen (16) units as guest parking.

AMENDMENT NO. 2

Amend the Zoning Ordinance in the following manner:

- 1) Amend **ARTICLE II DISTRICTS, Section 2.1 Zoning Map** as follows to
 - a) change the Business Seasonal (BS) Zoning District to three (3) new districts: Beach Resort (BR), Beach Commercial (BC) & Beach Residence – C (BR-C) (for the BC & BR-C the current use and dimensional requirements are unchanged);
 - b) re-designate portions of the Residence B (RB) Zoning District to Beach Residence – A (BR-A) (the current use and dimensional requirements are unchanged) & Beach Residence – B (BR-B) (the current use and dimensional requirements are unchanged);
 - c) re-designate portions of the General (G) Zoning District to a designation of State (S);

ARTICLE II - DISTRICTS

Section 2.1 Zoning Map

District	Map Symbol
Adult Entertainment	AE
Residence AA	RAA
Residence A	RA
Residence B	RB
Residence C- Seasonal	RCS
Business Seasonal	BS
<u>Beach Residence-A</u>	<u>BR-A</u>
<u>Beach Residence-B</u>	<u>BR-B</u>
<u>Beach Residence-C</u>	<u>BR-C</u>
Business	B
<u>Beach Resort</u>	<u>BR</u>
<u>Beach Commercial</u>	<u>BC</u>
Industrial	I
General	G
<u>State</u>	<u>S</u>

- 2) Amend **ARTICLE II, DISTRICTS** by adding new **Section 2.6 Beach Resort District**;

Section 2.6 Beach Resort (BR) District

2.6.1 Height Restriction: 85 feet

2.6.2 Setbacks:

A. Front Setback: 20 feet if frontage is located on Ashworth Avenue or Ocean Boulevard. This 20 feet of setback shall incorporate a sixteen foot promenade feature. This promenade feature shall require structural supports in the setback area for those proposals with second floor extensions above the promenade.

B. Side Setback: if setback is along a lettered street this distance shall be six feet. If the side setback is not located along a lettered street the structure can be placed on the property line.

C. Rear setback: if the rear setback for a property is on a lettered street this setback will be six feet. If the rear setback is not on a right of way the structure can be placed on the property line.

D. Step back elevations are to be incorporated where possible.

2.6.3 Impervious Coverage: 85%. If a higher percentage of impervious coverage is desired the applicant is required to incorporate landscaping treatments for Planning Board approval.

2.6.4 Thirty five feet of depth of the first floor shall be commercial/retail.

2.6.5 Design standards: Architectural review process (integration of streetscape design elements).

2.6.6 Signage requirements are unchanged from those for the Business-Seasonal zone. (Business-Seasonal will be re-designated as Beach Resort, Beach Commercial & Beach Residence-C).

2.6.7 Lighting standards to mirror Ashworth Avenue infrastructure improvements.

2.6.8 For mixed-use developments one parking space per unit shall be provided on site. For proposals that are entirely residential two parking spaces per unit shall be provided on site. In addition, for hotels one (1) parking space is required for every sixteen (16) units to serve as guest parking.

2.6.9 Structures are prohibited from casting shadows on the beach prior to 6 pm from May 15th through September 15th.

3) Amend **ARTICLE III USE REGULATION** to replace the BS listings with BR, BC, & BR-C.

4) Amend **ARTICLE IV – DIMENSIONAL REQUIREMENTS** to add a column with standards for the proposed Beach Resort District, as follows:

ARTICLE IV - DIMENSIONAL REQUIREMENTS

Table II (1,2,9)

The dimensional requirements listed govern the size and placement of buildings and other structures as indicated (--indicates no present requirement)

		RAA(3)	RA	RB	RCS	B	BC <u>BR-CA</u>
4.1	Minimum lot area (sq. ft.) (20)	43,560	15,000(6)	10,000(7)^	6,000(8)	10,000++	5,000(23)&&
4.1.1	Min. lot area per dwelling unit (sq. feet)	43,560	15,000	7,500^	3,000=	10,000	2,500^

4.1.2	Deleted 1990						
4.2	Minimum frontage (ft.) (22)&	200	125 (6)	75 (7)++	60 (8)	100++	20
4.3	Minimum lot width (ft.)	200	125 (6)	75 (7)	60 (8)	100++	--
4.4	Maximum # stories/ft. (27)	3/35&&	3/35&&	3/35&&	3/35&&	/50&&	/50&&
4.5	Minimum setbacks (12, 13, 25)						
4.5.1	Front (ft.)	20 (15)	20^	20^	10	10++	4**(17)
4.5.2	Side (ft.) (28)	20 (15)	15 (26)◇	10 (26)◇	7/12 (16)◇	7++	4
4.5.3	Rear (ft.) (28)	20 (15)	10^	10^	7	7++	4
4.6	Minimum square footage* per dwelling unit	900	900	500	500	400	330&
4.7	Maximum number of dwelling units per structure	1	1	8*	2	8*	--
4.8	Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and roofs	85%	85%	85%	85%	85%	85%
4.8a⊗	Maximum amount of sealed surface allowed per residential lot in the Aquifer Protection Zone	25%	25%	25%	25%	25%	25%

4.8b⊗	Maximum amount of sealed surface allowed per non-residential lot in the Aquifer Protection Zone	60%	60%	60%	60%	60%	60%
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(See "Footnotes") * Amended 1976 ** Amended 1981 # Amended 1982 ## Amended 1983 & Amended 1985 (&&) Amended 1986

(@) Amended 1987 (+) Amended 1989 (++) Amended 1990 (=) Amended 1992 ^ Amended 1994 ⊗ Adopted 1997 ✧ Amended 1998 Δ Amended 2007 ARTICLE IV - DIMENSIONAL REQUIREMENTS

Table II (1,2,9)

The dimensional requirements listed govern the size and placement of buildings and other structures as indicated (--indicates no present requirement)

		<u>BRA</u>		G	I	MHP(4) Permit	MHP(5) Overnight
4.1	Minimum lot area (sq. ft.) (20)	<u>5,000(23)&&Δ</u>		15,000@	22,000+	400,000	120,000
4.1.1	Min. lot area per dwelling unit (sq. feet)	<u>2,500^</u>		15,000@	--#	20,000	1,000
4.1.2	Deleted 1990						
4.2	Minimum frontage (ft.) (22)&	<u>20</u>		125	100+	50## (21)	25## (21)
4.3	Minimum lot width (ft.)	--		125@	100+	50	25
4.4	Maximum # stories/ft. (27)	<u>85</u>		3/35&&@	/50+	--	--
4.5	Minimum setbacks (12, 13, 25)						
4.5.1	Front (ft.)	??		10@	30	20 (19)	20
4.5.2	Side (ft.) (28)	??		7✧	10/15+ (24)	10 (18)	10
4.5.3	Rear (ft.) (28)	??		7@	15+(17)	10 (18)	10
4.6	Minimum square footage* per dwelling unit	<u>330&</u>		500@	--	--	--
4.7	Maximum number of dwelling units per structure	--		8*	0	1	1

4.8	Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and roofs	<u>85%</u>		85%	85%	--	--
4.8a⊗	Maximum amount of sealed surface allowed per residential lot in the Aquifer Protection Zone	<u>25%</u>		25%	25%	--	--
4.8b⊗	Maximum amount of sealed surface allowed per non-residential lot in the Aquifer Protection Zone	<u>60%</u>		60%	60%	--	--

(See "Footnotes") * Amended 1976 ** Amended 1981 # Amended 1982 ## Amended 1983
 & Amended 1985 (&&) Amended 1986
 (@) Amended 1987 (+) Amended 1989 (++) Amended 1990 (=) Amended 1992
 ^ Amended 1994 ⊗ Adopted 1997 ✧ Amended 1998 Δ Amended 2007

Amend the Table to replace the ~~BS~~ designation with BC & BR-C.

Amend to add footnote #29 - All properties with frontage on Ocean Boulevard from F Street to N Street shall have commercial use on the first floor to a depth of thirty five feet.

Amend **ARTICLE V –TABLE 1 – Permitted Signs Per Zone** in the following manner:

Replace the ~~BS~~ designation with BR, BC, & BR-C.

AMENDMENT NO. 3

Amend **ARTICLE III - USE REGULATION** by adding the following underlined language:

Any use not specifically enumerated or defined in the following code is prohibited:

CODE

P – Permitted (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)

X - Prohibited

S - Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board (Amended 1985)

R - Permitted with Site Plan/Subdivision Review by Planning Board

B - Permitted by Building Inspector

3.5 Retail Sales (as defined in Section 1.6-Definitions)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

(Amended 1996, 2007)

3.6 Lodging Houses as defined in Section 1.6 - Definitions*

RAA	RA	RB	RCS	B	BS	I	G
X	X	S*	X*	P*	P*	X	X

*(Amended 1991, 2007)

3.7 A swimming pool for the use of occupants and their guests.

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	P	P

3.14 Race tracks, roller-skating rinks, mechanical amusement rides or similar commercial amusements, either indoor or outdoor. *

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	X	X

*(Amended 1985, 2007)

The establishment of Penny Arcades or the expansion of a Penny Arcade.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	P	X	X

*(Amended 1993)

3.22 Banks, offices and professional establishments, such as insurance agencies, real estate offices, attorney offices, medical professionals and/or other similar businesses, providing direct services to consumers.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2007)

3.23 Theaters and halls devoted to showing motion pictures or for drama, dance, musical or other live performances.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2007)

3.24 Health/Athletic Clubs, service clubs or fraternal organizations, and their premises catering to members and their guests, or to the public, for social, intellectual or recreational purposes.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P*	P	P

*(Amended 1991, 2007)

3.25a Beauty and Barber Shops, Nail Salons, Cosmetologists, Spas, skin care therapies, tanning salons, massage therapists, and other like beauty-health service facilities as regulated by the State of New Hampshire (RSA 313-A)*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2003, 2007)

3.25b Restaurants. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.25c Warehouses. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.25d Domestic pet grooming shops. No boarding of animals is allowed. All facilities must comply with the Town of Hampton Animal Control Ordinance and other applicable regulations. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.28 ~~Coal, coke, wood and building material yards and landscape materials storage and sales.~~ (Amended 1996)* Replace with Storage and/or sales yards for coal, cordwood, building materials and landscape materials.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 1996, 2007)

3.43 Dealer as defined in Section 1.6 - Definitions*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	R	X	X	X

*(Adopted 1997, Amended 2007)

AMENDMENT NO. 4

Amend the Zoning Ordinance, **ARTICLE II DISTRICTS** in the following manner:

1) **Section 2.1 Zoning Map** change a portion of Residence A Zoning District to a new designation of Professional/Office Residential District in the area between Winnacunnet Road and High Street (between Lafayette Road and Mill Road);

Section 2.1 Zoning Map

District	Map Symbol
Adult Entertainment	AE
Residence AA	RAA
Residence A	RA
Residence B	RB
Residence C- Seasonal	RCS
Business	B
<u>Professional</u>	<u>POR</u>
<u>Office/Residential</u>	
Business-Seasonal	BS
Industrial	I
General	G

2) Add to **ARTICLE II DISTRICTS** a new Section 2.7 Professional/Office Residential District as follows:

Section 2.7 Professional Office / Residential District

A. Purpose. The Professional Office / Residential District (POR) is intended to permit development and continuance of small-scale service and office uses, designed to serve residential neighborhoods and or the Town of Hampton as a whole. Combined commercial-residential (mixed use) structures are appropriate in this district. Parking requirements in this district recognize the pedestrian and transit orientation of customer trips, and the shared use of both on-street and off-street parking. The district is intended to promote the mixed growth of dwellings and employment opportunities that compliment and support the high quality of life found in Hampton.

B. The District Boundaries are as displayed on the Town of Hampton Zoning Map.

C. Use regulations. In the POR, no building or land shall be used, and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than one or a combination of the following uses:

(1) Principal uses.

a. Single family residential

b. Professional services (All uses subject to Site Plan Review Approval by the Hampton Planning Board):

1. Artists' studios except tattoo parlors and body piercing studios.
2. Banks, savings and loan associations and other financial institutions, including automatic tellers and accessory drive-up services, provided that there are five on-site reservoir spaces per drive-up window or automatic teller.
3. Clinics, for people only.
4. Governmental Facilities
5. Office buildings.
6. Professional Services such as offices for doctors, attorneys, architects, engineers, accountancies, etc.
6. Photographic studios.
7. Travel agencies

c. Other activities not included in any other category but that are of a compatible nature with surrounding residential uses.

D. Height, setback and area regulations. In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements shall comply with Hampton zoning for single family residences.

(1) Height. Buildings or structures shall not exceed two and one-half stories or 35 feet in height.

(2) Front setback.

a. Single-family residential dwelling structure shall comply with Town of Hampton zoning for single family structures.. All other residential dwelling structures shall conform to the requirements contained in subsection (g), architectural standards.

b. Nonresidential or mixed use structure shall maintain a twenty foot front setback. Mixed use structure shall be defined as a structure containing both residential and nonresidential uses.

(3) Side setbacks.

a. Single family residential dwelling structure shall comply with existing zoning for such structures.

b. Nonresidential or mixed use structure shall maintain a ten foot side setback.

(4) Rear setbacks.

a. Residential dwelling structure.

b. Nonresidential or mixed use structures shall maintain a ten foot rear setback.

(5) Lot area.

The minimum lot area in the district is 10,000 square feet.

E. Parking and loading regulations. Loading regulations for all uses and parking for buildings erected exclusively for dwelling purposes shall be as found in the Town of Hampton Zoning Ordinance. There are no minimum non-residential parking requirements in this district. An individual non-residential use must provide parking deemed adequate during the site plan review process. Multiple tenants in a common

structure or structures sharing a common wall shall be considered an individual use for purposes of this calculation. Provision for off-street parking must be made and all parking areas must be screened as described in section (g) below.

F. Signs. Signs shall be allowed as permitted by the Town of Hampton zoning ordinance. All signage location must be approved during the individual site plan review process. Signs must be in character with surrounding uses and construction materials for signs shall mimic those used in the construction of the subject business. For purposes of this district, " a licensed or unlicensed vehicle, boat or trailer displaying advertising copy, other than an operable vehicle used in the daily conduct of business, is considered a sign, and is prohibited.

G. Maximum building size. No building in this district shall exceed 7,000 square feet in area for any single floor. "Building" for this purpose is defined as a separate structure or a building or tenant space sharing a common wall through which no access is allowed.

H. Architectural standards

(1) Screening. Parking for non-residential or mixed use structures must be screened from residential abutters by a wall, fence, landscaping or berm between 18 inches and 42 inches in height.

Roof-mounted mechanical equipment must be screened from the view of the street and adjacent property.

Dumpsters and other waste receptacles must be enclosed by a solid wall or fence at least as high as the receptacles.

(2) Lighting. Floodlights or lights which illuminate open areas in connection with any of the uses listed in this section shall be so arranged as to reflect the light away from any adjoining residential property, and the intensity shall not exceed two lux measured at any property line.

AMENDMENT NO. 5

Amend the Zoning Ordinance, **ARTICLE IV – DIMENSIONAL REQUIREMENTS, Table II (1,2,9)**, Section 4.1.1 to revise the duplex provision in the Residence B Zoning District for minimum lot area per dwelling unit:

Section 4.1.1 Min. lot area per dwelling unit (sq. feet) in the RB District shall be changed from 7,500 to 5,000.

AMENDMENT NO. 6

Amend the Zoning Ordinance, as to parking, as follows:

1) Amend **ARTICLE VI – PARKING, Section 6.3** to revise the parking requirements as follows:

Section 6.3.9 – All parking must be on site ~~or be assured perpetual existence by easement.~~ (Adopted 1983)

Section 6.3.10 – Condominium Conversions of Pre-existing Non-conforming Uses: At least one (1) assigned 9'x 18' parking space per unit must be provided on-site. (Adopted 2006) Add the wording

Stacked parking shall constitute one parking space regardless of the number of parking spaces in the stack.

2) Amend **Section 1.6 Definitions, Parking Space** by adding the following sentence:

Stacked parking means a parking situation where more than one space exists in a line of spaces and only space in the line has unobstructed access into or out of the adjacent street or right-of-way.

AMENDMENT NO. 7

Amend the Zoning Ordinance, **ARTICLE VIII – MULTI-FAMILY DWELLINGS, Section 8.2.1** to exempt the Hampton Beach Village District from the requirement of providing 400 square feet of recreational area per unit, as follows:

Section 8.2.1 Multi-family dwellings shall provide a minimum of 400 square feet of recreation area per dwelling unit, except in the Hampton Beach Village District where such requirement shall not apply.

AMENDMENT NO. 8

Amend the Zoning Ordinance, **ARTICLE XI – CONSTRUCTION PROVISIONS, Section 11.4 Sprinkler Systems** to revise the wording for sprinkler systems and the fire alarm system, as follows:

Section 11.4a) No building used or designed for permanent or temporary human residence, other than single family dwellings shall be permitted to be constructed after the date of enactment of this section, of three or more stories or six or more attached wood frame living units being two stories in height, unless furnished with a sprinkler system installed in accordance with standards set forth in the State Building Code/National Fire Prevention Code, ~~1987~~ Edition and NFPA Standard 13, 13D or here applicable, 13R residential sprinkler systems. Replace with most recent [?]

Section 11.4.c) Sprinkler systems installed meeting NFPA Standard 13 shall be connected to the ~~Hampton Municipal Fire Alarm System via Master Box~~. Installation shall conform to the minimum requirements of the Hampton Fire Department. Replace with UL listed central station monitoring company.